

### Notice of Allowability

Application No.

09/298,160

Examiner

Allan W Olsen

Applicant(s)

CUSTER ET AL.

Art Unit

1763

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's response filed 9/26/2003.
2. ☒ The allowed claim(s) is/are 1,3-5,39-42 and 44-48.
3. ☒ The drawings filed on 22 April 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.   | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1, 3-5, 39-42 and 44-48 are allowed.

The following is an examiner's statement of reasons for allowance:

The specification teaches that degasifying procedures reduce the dissolved oxygen content to about 4 ppb (page 7, line 4). The specification also teaches that the constitution of the dissolved gas mirrors that of the atmosphere. Considering only the major components of the atmosphere (oxygen and nitrogen), the oxygen content represents about 20% of the total gas content. As such, a degassed liquid with 4 ppb O<sub>2</sub> would have a N<sub>2</sub> content of about 16 ppb and a total gas content of approximately 20 ppb. The specification teaches regasing with nitrogen as the second gas to achieve a dissolved nitrogen concentration of about 450 ppb to about 550 ppb (page 10, line 4). The final second gas (i.e. nitrogen) concentration of about 450 ppb to about 550 ppb would be inclusive of the 16 ppb of N<sub>2</sub> that would be present in a liquid with an O<sub>2</sub> concentration of 4 ppb. Therefore, the total gas content of the liquid after regassing to a second gas concentration of about 450 ppb to about 550 ppb would be (about 4 ppb O<sub>2</sub> + about 450 ppb N<sub>2</sub>) to (about 4 ppb O<sub>2</sub> + about 550 ppb N<sub>2</sub>). The examiner considers a liquid with about 4 ppb O<sub>2</sub> and about 450 ppb N<sub>2</sub> to be fairly characterized as being a liquid having a total gas content of about 450 ppb.

With respect to the rejection over Mitsumori in view of admitted prior art, in addition to Applicant's remarks of remarks of 9/26/2003, the examiner notes that claim 1 is directed to a method of making a polishing liquid. Matsumori teaches gasifying a

liquid with ozone to a level 500 ppb, as a means of ensuring that the surfactant that is present in the liquid will be completely removed. As such, the teaching of Matsumori is at odds with the claimed invention for making a polishing liquid because a surfactant is a desirable component of a polishing liquid.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Olsen whose telephone number is 703-306-9075. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Mills, can be reached on 703-308-1633.

The general fax numbers for TC1700 are 703-872-9310 (non-after finals) and 703-872-9311(after-final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Allan Olsen, Ph.D.  
December 3, 2003

A handwritten signature in black ink, appearing to read "Allan Olsen", is written over the typed name and date.